

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SYMBOLOGY INNOVATIONS LLC

Plaintiff,

v.

VALVE CORPORATION,
GEARBOX SOFTWARE, LLC

Defendant.

Civil Action No. 2:23-cv-419-JRG

JURY TRIAL DEMANDED

**JOINT MOTION TO LIFT STAY AND SET BRIEFING SCHEDULE REGARDING
VALVE’S MOTION FOR SANCTIONS**

Defendant Valve Corporation (“Valve”) and Plaintiff Symbology Innovations LLC (“Symbology”) jointly move the Court to lift the stay that is currently in place with regards to briefing related to Valve’s Motion for Sanctions and request the Court enter the following briefing schedule.

On July 30, 2024, Valve filed its Motions for Sanctions (Dkt. 85) under Rule 11 and its Unopposed Motion to Stay Briefing on its Motion for Sanctions. Dkt. 86.

On July 31, 2024, the Court entered an order granting Plaintiff’s Revised Notice of Voluntary Dismissal with Prejudice. Dkt. 87.

On August 2, 2024, the Court granted Valve’s Unopposed Motion to Stay Briefing on Its Motion for Sanctions. Dkt. 89. Valve’s motion explained that its Motion for Sanctions under Rule 11 was closely tied to the facts and arguments in motions to dismiss filed by Valve in two related cases before the Court: *Social Positioning Input Sys., LLC v. Valve Corp. et al.*, Case No. 2:23-cv-422 (E.D. Tex. Sept. 19, 2023) and *Quantum Tech. Innovations LLC v. Valve Corp. et al.*, Case No. 2:23-cv-425 (E.D. Tex. Sept. 19, 2023). Valve requested that the Court thus stay further

briefing on Valve's Motion for Sanctions under Rule 11 until the Court ruled on the motions to dismiss in the *Social Positioning and Quantum* cases. The Court agreed to do so, and on August 2, 2024 entered an Order staying briefing on Valve's Motion for Sanctions under Rule 11 pending resolution of Valve's motions to dismiss in the *Social Positioning* and *Quantum* cases. Dkt. 89. The Court ordered that "Plaintiff shall file its response to Valve's Motion for Sanctions (Dkt. 85) within fourteen (14) days of the Court's resolution of Valve's motion to dismiss." *Id.* (emphasis removed).

On August 8, 2024, in the *Quantum* case, Judge Payne issued a Report & Recommendation granting Valve's Motion to Dismiss for Improper Venue (*Quantum*, 2:23-cv-425, Dkt. 52). That same day Quantum filed a Notice of Voluntary Dismissal (*Id.* at Dkt. 53). The Court granted Quantum's notice of voluntary dismissal on August 15, 2024 (*Id.* at Dkt. 56).

On August 8, 2024, Plaintiff Social Positioning filed a notice of voluntary dismissal in the *Social Positioning* case (*Social Positioning*, 2:23-cv-422, Dkt. 29), which the Court granted. Dkt. 30.

On August 23, 2024, Valve filed its Motion for Sanctions Under the Court's Inherent Authority. Dkt. 91. Valve's Motion for Sanctions Under the Court's Inherent Authority is closely tied to the facts and arguments in its Motion for Sanctions (Dkt. 85) under Rule 11.

In view of all of the above, the Parties respectfully submit that the provisions of the Court's Order staying briefing on Valve's motion for sanctions have been satisfied and that the stay should thus be lifted. In addition, in order to harmonize the briefing schedule with the related motion for sanctions in the *Quantum* matter, the Parties have agreed to the following briefing schedule:

Symbology's Responses to Valve's Motion for Sanctions (Dkt. 85) and Motion for Sanctions Under the Court's Inherent Authority (Dkt. 91) – September 6, 2024

Valve's Replies in Support of its Motion for Sanctions (Dkt. 85) and Motion for Sanctions Under the Court's Inherent Authority (Dkt. 91) – September 13, 2024

Symbology's Sur-replies to Valve's Motion for Sanctions (Dkt. 85) and Motion for Sanctions Under the Court's Inherent Authority (Dkt. 91) – September 20, 2024

WHEREFORE, the parties request the Court lift the stay and enter the attached order setting the above referenced briefing schedule.

Dated: August 23, 2024

Respectfully submitted,

/s/ Randall Garteiser

Randall Garteiser
Texas Bar No. 24038912
rgarteiser@ghiplaw.com
GARTEISER HONEA, PLLC
119 W. Ferguson Street
Tyler, Texas 75702
Telephone: (903) 705-7420

Counsel for Plaintiff

/s/ Shaun W. Hassett

Michael E. Jones (SBN: 10929400)
Shaun W. Hassett (SBN: 24074372)
Potter Minton
102 North College, Ste. 900
Tyler, Texas 75702
903-597-8311 (telephone)
mikejones@potterminton.com
shaunhassett@potterminton.com

Kathleen R. Geyer
Christopher P. Damitio
Kilpatrick Townsend & Stockton
1420 Fifth Avenue Suite 3700
Seattle, WA 98101
Telephone: (206) 467-9600
Facsimile: (206) 623-6793
KGeyer@kilpatricktownsend.com
CDamitio@kilpatricktownsend.com

Attorneys for Defendant Valve Corp.

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies pursuant to Local Rule CV-7(h) that the relief requested in this motion jointly submitted.

/s/ Shaun W. Hassett

Shaun W. Hassett